

KENTUCKY OPEN MEETINGS LAW

This summary is intended to acquaint board members with the Kentucky open meetings law and should not be relied on as legal advice. Regents and trustees should consult their boards' attorney for advice on a particular issue or concern.

The Kentucky Open Meetings Act— Kentucky Revised Statutes 61.805 to 61.850 – sets forth the conditions under which the public's business is to be conducted.

The term "meeting" is broadly defined to mean, "all gatherings of every kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings, held in anticipation of or in conjunction with a regular or special meeting." KRS 61.805(1)

KRS 61.805(2) – includes information about what entities and individuals are covered by the Open Meetings Act:

- Every state or local government agency, including the policy-making board of an institution of education.

- Any body created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government.

- Any entity when the majority of its governing body is appointed by a public agency . . . member or employee of a public agency, a state or local officer, or any combination thereof.

Most groups created by public agencies meet the definition of public agency:

- Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency . . . established, created, and controlled by a public agency . . . KRS 61.805(2)(g)

All meetings of public agencies are to be conducted in open session unless they fall within a statutory exception. All meetings must be scheduled at times and places convenient to the public. Notice must be given of regularly scheduled and special meetings. Minutes of meetings shall be taken and actions recorded. Minutes must be available no later than after the next regularly scheduled meeting.

Several exceptions – KRS 61.810(1) – bear on postsecondary education:

- Deliberations on the future acquisition of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency.

- Discussions of proposed or pending litigation against or on behalf of the public agency.

- Collective bargaining negotiations between public employers and their employees or their representatives.

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Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.

Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussion would jeopardize the siting, retention, expansion, or upgrading of the business.

State and local cabinet meetings and executive cabinet meetings.

Meetings which federal or state law specifically require to be conducted in privacy.

The rules concerning closed sessions are:

Notice must be given in open session of the nature of the business, the reason for the closed session, and the specific statutory exception.

A majority of the board must approve the closed session.

No final action may be taken in closed session.

No matter may be discussed at a closed session other than those publicly announced.

Other provisions of the law include:

Boards may not meet in small groups of less than a quorum to avoid conducting an opening meeting. However, nothing in the law prohibits discussion among individual members when their purpose is to educate themselves on specific issues.